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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/598,593	06/21/2000	John R Johnson	AVERP2580USA	7556

7590 02/06/2003

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EXAMINER

CHANG, VICTOR S

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 02/06/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/598,593

Applicant(s)

JOHNSON ET AL.

Examiner

Victor S Chang

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 13 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Rejections not maintained are withdrawn.

### *Response to Amendment*

3. Claims 1-6, 8-10, and 16 are rejected under 35 U.S.C. 103(a) as obvious over Johnson et al. (US 5518786) either individually, or in view of Ellison (US 5985079), substantially for the reasons set forth in section 2 of paper No. 9 and sections 6, 7, and 8 of Paper No. 6, together with the following additional observations.

With respect to Applicants' Response arguing that neither Johnson nor Ellison teach or suggest fade print layers as decorative effects (Response, page 3, first complete paragraph to page 4, second complete paragraph), the Examiner reiterates that color coat is for decorative purpose in general, and fade coat or print layer is inherently one type of color coats, and it is conventional and clearly within the skill of the art to print a fade color design as a color coat. Alternatively, Ellison teaches that decorative effects may be applied between the outer and inner layers, or both, by methods such as printing (gravure, screen or flexography), tinting, vacuum metallizing, vacuum metallizing with tinting or vacuum metallizing with hologram printing (column 7, lines 54-58). As such, it would have been obvious to one of ordinary skill in the art to

Art Unit: 1771

print Ellison's color design as a fade print coat to Johnson's decorative sheet, motivated by the desire to provide decorative fade color design (see section 2 of Paper No. 9).

4. Claims 11-15 and 17-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. in view of Carroll, Jr., substantially for the reasons set forth in section 3 of Paper No. 9 and section 9 of Paper No. 6. Also see additional observations as set forth above.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. (US 5518786) either individually, or in view of newly cited Alexander et al. (US 4533704).

With respect to Applicants' request to provide evidence to support that polyester clear coat is well known, the Examiner reiterates that Alexander teaches a clear coat coating system which has excellent adherence to metal and plastic substrates and possess superior weathering properties. The clear coat composition comprises hydroxy-containing urethane modified polyester (Abstract). As such, it would have been obvious to one of ordinary skill in the art to replace Johnson's clear coat layer with Alexander's urethane modified polyester, motivated by the desire to provide a clear coat system with lower cost (see section 4 of Paper No. 9).

With respect to Applicants argument that there is no basis to combine the teachings of Johnson and Alexander (Response, page 6, first complete paragraph), the Examiner would like to point out that both Johnson and Alexander are from the same field of endeavor, that is automobile protective coating. As such, it would have been

obvious to one of ordinary skill in the art to combine the teachings of Johnson and Alexander.

**6. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**7.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor S Chang whose telephone number is 703-605-4296. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel H Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Application/Control Number: 09/598,593  
Art Unit: 1771

Page 5

VSC  
February 3, 2003

DANIEL ZIRKER  
PRIMARY EXAMINER  
GROUP ~~1900~~

1700

*Daniel Zinker*